

1 David W. Affeld, State Bar No. 123922
Damion Robinson, State Bar No. 262573
2 David Markevitch, State Bar No. 256163
Affeld Grivakes LLP
3 2049 Century Park East, Ste. 2460
Los Angeles, CA 90067
4 Telephone: (310) 979-8700

5 Attorneys for Plaintiff
6 Michael Zeleny

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 MICHAEL ZELENY,

12 Plaintiff,

13 vs.

14 GAVIN NEWSOM, *et al.*,

15 Defendants.
16

Case No. CV 17-7357 RS

Assigned to:

The Honorable Richard G. Seeborg

**[PROPOSED] ORDER GRANTING
MOTION FOR LEAVE TO MAKE
CLARIFYING AMENDMENT TO
SECOND AMENDED COMPLAINT**

Filed Concurrently:

1. Notice of Motion and Motion;
2. Declaration of Damion Robinson;
3. Notice of Lodging

Date: October 29, 2020

Time: 1:30 p.m.

Courtroom 3, 17th Floor

Action Filed: December 28, 2017

Trial Date: [Not Set]

22 Plaintiff's Motion to Make Clarifying Amendment to Second Amended
23 Complaint came before the Court for hearing on October 29, 2020 at 1:30 p.m. Having
24 considered the moving, opposing, and reply papers, the evidence submitted, and the arguments
25 of all counsel, the Court finds good cause and hereby GRANTS the motion as follows:

26 1. Plaintiff is hereby granted leave to amend his Second Amended
27 Complaint as set forth in the Notice of Motion.

28 2. Plaintiff shall file the [Proposed] Third Amended Complaint, lodged

1 concurrently with the motion, as a separate pleading.

2 3. Defendants need not further answer the Third Amended Complaint,
3 unless they choose to do so.

4 **It is SO ORDERED.**

5 Dated: _____

6 _____
7 The Honorable Richard G. Seeborg
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I hereby certify that on September 24, 2020, I electronically filed the foregoing document using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will send a notice of electronic filing to the interested parties.

s/ Gabrielle Bruckner
Gabrielle Bruckner